Remarks

Claims 1-9 are pending in the application. Claims 1, 3, 6 and 8 are amended herein. Support for the amendments can be found, for example, on page 7, lines 1-18, page 11, lines 20-30 and Fig. 2 of the application as filed.

The title of the Application has been amended herein to clearly indicate the invention. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 3-5 UNDER 35 USC §112

Claims 3-5 stand rejected under 35 USC §112, second paragraph as being indefinite. By way of the foregoing amendments, the claims have been amended to remove any issue as to the alleged indefiniteness and therefore the rejection is moot.

Accordingly, withdrawal of the rejection of claims 3-5 is respectfully requested.

II. REJECTION OF CLAIMS 1-9 UNDER 35 USC §102 AND 35 USC §103

Claims 1-9 stand rejected under 35 USC §102(b) based on U.S. Patent No. 5,982,887 (*Hirotani*) or under 35 USC §103(a) based on *Hirotani* in view of U.S. Patent No. 5,226,129 (*Ooi*), *Qualline* (Practical C++ Programming), and *Smith* (Memory Error Detection and Correction). Withdrawal of the rejection is respectfully requested for at least the following reasons.

The Examiner contends that *Hirotani* discloses a scramble circuit, and specifically cites to column 3, paragraph 8 of *Hirotani*. The cited portion discloses that the encrypted part of the program is taken into the CPU and then decrypted. The decryption process is performed by the CPU executing the decrypting program stored in ROM 12. Thus, the scramble circuit identified by the Examiner is implemented via software.

Independent claims 1, 3, 6 and 8 have been amended to more clearly recite that the data scramble circuit is a hardware circuit. The hardware data scramble circuit is advantageous, for example, in that it can have a simple configuration and yet provide a sufficient resistance against decryption. Unless the specific hardware of the data scramble circuit is known, a program scrambled by the scramble circuit cannot be decrypted.[1]

---

[1] See page 11, lines 26-20 of the specification.

Software scramble circuits, on the other hand, can be decrypted by analyzing a portion of the software performing the recovery process. The present invention avoids such danger by utilizing a hardware scramble circuit that is specific to the device. [2]

Hirotani does not teach or suggest a hardware scramble circuit as recited in amended claims 1, 3, 6 and 8 of the present application. *Ooi*, *Qualline* and *Smith* do not make up for the deficiencies of *Hirotani*.

Accordingly, withdrawal of the rejection of independent claims 1, 3, 6 and 8 is respectfully requested.

Claims 2, 4, 5, 7 and 9 depend from one of the above independent claims and therefore can be distinguished from the cited art for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 2, 4, 5, 7 and 9 is respectfully requested.

III. CONCLUSION

Accordingly, claims 1-9 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By _____

Kenneth W. Fafrak, Reg. No. 50,689

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
PH: (216) 621-1113
FAX: (216)621-6165

B:\YAMA\P0748US\Reply_to_OA_7-22-04.wpd

[2] Page 11, lines 20-30 of the specification